IN THE HIGH COURT OF JUDICATURE AT BOMBAY
Appellate Side
Public Interest Litigation No.174 of 2006

Anandrao Maruti Patil. .. .. Petitioner
v/s.
The State of Maharashtra & ors. .. Respondents

Mr.S.S.Patwardhan for petitioner.

Mr.V.P.Malwankar, AGP for respondent No.1.

Mr.Vijay Patil for respondent No.2.

CORAM : H.L. GOKHALE, ACTING C.J. &
V.M. KANADE, J.

DATED : 1st March 2007

P.C. :

1. Heard the learned Counsel for the parties.

2. This Petition is filed by an agriculturist from village Kodoli, Taluka Panhala in District Kolhapur. Mr.Patwardhan appearing for the petitioner states that the petitioner has no particular personal stake in the matter but the Petition is on behalf of the farmers of village Kodoli and adjoining villages which are situated near the right bank canal of the Warana Irrigation Project. The lands of the persons concerned have been acquired long back in the year 1984 for the purposes of setting up of this canal. The canal work is in progress in its own way, depending upon the availability of funds. One of the prayers of

the Petition is to conduct survey of the area of the right bank canal and go into the viability of that project. By way of an interim prayer, excavation and construction of the right bank canal is sought to be stalled.

3. A reply has been filed by the Executive Engineer affirmed on 14th February 2007 wherein it has been stated that the work is completed from 1 to 12 kilo meters in its entirety. From 13 to 30 kilo meters it is 80% completed. As far as the work from 31 to 44 kilo meters is concerned, some 20% of this portion is completed. The Affidavit denies the averment in the Petition that the land beyond 45 kilo meters is not acquired. It is specifically stated that almost 90% of the land between 45 kilo meters and 60 kilo meters is acquired, compensation is paid and the land is in the name of Water Resources Department.

4. In view of what is stated above, in our view, it will not be proper for this Court to interfere and stall the work of the right bank canal.

5. Mr.Patwardhan appearing for the petitioner submits that the work of the left bank canal has

been abandoned on representation of some farmers in that area. Mr.Vijay Patil appearing for respondent No.2 states that the original left bank canal was to be of 130 kilo meters. It is now restricted to 70 kilo meters. That is a matter for the Authorities concerned to decide and the Court cannot go into the aspect as to why the work was abandoned and whether this work should also be abandoned. It is entirely a matter of policy for the Authorities concerned to decide. Petition dismissed.

(ACTING C.J.)

(V.M. KANADE, J.)